

# Minnesota Electronic Prescribing Mandate

## GUIDANCE AND COMPLIANCE

### Purpose

This document is intended primarily for prescribers, dispensers, and group purchasers. It is intended to summarize and provide information on the Minnesota e-Prescribing Mandate including e-prescribing of controlled substances. This factsheet is not intended to convey specific information about every aspect of the mandate, nor is it intended to serve as legal advice to anyone including organizations subject to the mandate.

### Mandate

The Minnesota e-Prescribing Mandate requires the e-prescribing of all prescriptions unless expressly prohibited by state or federal law. The Minnesota Legislature, in Minnesota Statutes, Section 62J.497, Subdivision 2(a), mandated that by “January 1, 2011, all providers, group purchasers, prescribers, and dispensers must establish, maintain, and use an electronic prescription drug program. This program must comply with the applicable standards in this section for transmitting, directly or through an intermediary, prescriptions and prescription-related information using electronic media.”

The electronic prescription drug program is a “program that provides for e-prescribing,” which means “the transmission using electronic media of prescription or prescription-related information between a prescriber, dispenser, pharmacy benefit

manager, or group purchaser either directly or through an intermediary.”

The e-prescribing mandate applies to:

- Prescribers: a licensed health care practitioner, other than a veterinarian, as defined in Minnesota Statutes, Section 151.01, Subdivision 23.
- Group Purchaser: a person or organization, such as a pharmacy benefit manager, that purchases health care services on behalf of an identified group of persons, regardless of whether the cost of coverage or services is paid for by the purchaser or by the persons receiving coverage or services
- Dispenser: a person, such as a pharmacist, authorized by law to dispense a controlled substance, pursuant to a valid prescription.

### Standards and Transactions

The prescription-related information covered by the e-prescribing mandate includes information regarding eligibility for drug benefits, medication history or related health or drug information. This information is to be transmitted using specific standards and transactions as identified in detail in the mandate including:

- National Council for Prescription Drug Programs (NCPDP) SCRIPT Standard for communication of prescription or prescription related information.

- NCPDP SCRIPT Standard for communicating and transmitting medication history information.
- NCPDP Formulary and Benefits Standard for communicating and transmitting formulary and benefit information.
- National provider identifier to identify a health care provider in e-prescribing or prescription-related transactions when a health care provider's identifier is required.

The standard for communicating eligibility information and conduct health care eligibility benefit inquiry and response is in Minnesota Statutes, Section 62J.536.

## E-Prescribing of Controlled Substances (EPCS)

E-prescribing of controlled substances<sup>1</sup> (EPCS) is *allowed* by federal and state law and *required* by state law.

The Drug Enforcement Administration's rule "Electronic Prescriptions for Controlled Substances," which became effective on June 1, 2010, *allows* e-prescribing of controlled substances. The rule<sup>2</sup> revises DEA regulations to provide practitioners with the option of writing prescriptions for controlled substances electronically. The regulations also permit pharmacies to receive, dispense, and archive these electronic prescriptions.

Minnesota Statutes, Section 152.11, Subdivision 1(b), was revised in 2012 and *allows* controlled substances to be

electronically prescribed in accordance with applicable federal rules.

The Minnesota e-prescribing mandate *requires* the e-prescribing of all prescriptions unless expressly prohibited by other state or federal law.

The [DEA](http://www.deadiversion.usdoj.gov/ecommm/e_rx/) ([www.deadiversion.usdoj.gov/ecommm/e\\_rx/](http://www.deadiversion.usdoj.gov/ecommm/e_rx/)) provides information on the additional technology and security requirements for prescribers and pharmacists to enable EPCS.

The [Frequently Asked Questions on e-Prescribing Controlled Substances](http://www.health.state.mn.us/e-health/eprescribing/index.html) ([www.health.state.mn.us/e-health/eprescribing/index.html](http://www.health.state.mn.us/e-health/eprescribing/index.html)) provides additional information on EPCS in Minnesota.

The [Minnesota Prescription Monitoring Program \(PMP\)](http://www.pmp.pharmacy.state.mn.us/) ([www.pmp.pharmacy.state.mn.us/](http://www.pmp.pharmacy.state.mn.us/)) provides information on the role of PMP in EPCS.

## Electronic Prior Authorization (ePA)

Minnesota's e-prescribing mandate does not require prescription drug prior authorization (PA) and/or formulary exceptions. However, for those entities subject to the law, if PA requests and responses are exchanged, it must be done electronically using the NCPDP SCRIPT Standard version 2013101 as of January 1, 2016,

[The Minnesota 2016 Electronic Prior Authorization Requirement:](#)

---

<sup>1</sup> Pursuant to Minnesota Statutes, Section 152.11, for the purposes of EPCS a controlled substance is a substance, drug, or immediate precursor that is included in Schedules II, III, IV, or V drugs in Minnesota Statutes, Section 152.02; Minnesota Rules, chapter 6800.4220 through 6800.4250;

or the regulations established by the U.S. Drug Enforcement Administration (21 CFR 1308.12 through 1308.15).

<sup>2</sup> [https://www.deadiversion.usdoj.gov/ecommm/e\\_rx/](https://www.deadiversion.usdoj.gov/ecommm/e_rx/) Docket No. DEA-218, RIN 1117-AA61

### Implementation and Compliance

([www.health.state.mn.us/e-health/eprescribing/docs/epafact.pdf](http://www.health.state.mn.us/e-health/eprescribing/docs/epafact.pdf)) has additional information on ePA.

## Compliance

Currently, there is no penalty for not complying with the e-prescribing mandate. MDH recognizes that the technology and security requirements for EPCS require additional resources. Nonetheless, MDH expects prescribers, group purchasers, and dispensers to comply with the mandate as soon as possible.

Compliance with the e-prescribing mandate allows organizations to realize a range of benefits of e-prescribing, such as:

- Increased efficiency and quality outcomes;
- Improved ability to avoid adverse events;
- Reduced number of lost paper prescriptions;
- Elimination of handwriting errors/illegibility;
- Enabling better monitoring of controlled substances; and
- Increased patient satisfaction.

## Minnesota e-Prescribing Resources

The Minnesota Department of Health and Minnesota e-Health Initiative have developed resources to support e-prescribing in Minnesota. The resources, including A Practical Guide to Electronic Prescribing, Edition 2, are found at [Electronic Prescribing in Minnesota](http://www.health.state.mn.us/e-health/eprescribing/index.html) ([www.health.state.mn.us/e-health/eprescribing/index.html](http://www.health.state.mn.us/e-health/eprescribing/index.html)).

Minnesota Department of Health  
PO Box 64882  
St. Paul, MN 55164-0882  
651-201-5979  
[mn.ehealth@state.mn.us](mailto:mn.ehealth@state.mn.us)  
[www.health.state.mn.us/e-health](http://www.health.state.mn.us/e-health)

11/21/2017

*To obtain this information in a different format, call: 651-201-5979. Printed on recycled paper.*